

DAY CALENDAR
Thursday, September 14, 2017 - 10:00 AM
HON. SAMUEL L. GREEN COURTROOM

1122.0
KA 13-00446

PEOPLE
V
JAHARI JONES

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, J.), rendered February 22, 2013. The judgment convicted defendant, upon a jury verdict, of assault in the first degree and criminal possession of a weapon in the second degree (two counts).

KRISTEN MCDERMOTT for JAHARI JONES 15 minutes

JAMES P. MAXWELL for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1123.0
KA 13-00445

PEOPLE
V
EMMANUEL L. SHEPPARD

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered February 22, 2013. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the first degree (two counts), criminal possession of a controlled substance in the third degree, conspiracy in the second degree and criminally using drug paraphernalia in the second degree (five counts).

CHARLES J. GREENBERG for EMMANUEL L. SHEPPARD 10 minutes

HARMONY A. HEALY for THE PEOPLE OF THE STATE OF NEW YORK Submitted

1124.0
KA 14-01652

PEOPLE
V
ARTHUR LEWIS

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered September 3, 2014. The judgment convicted defendant, upon a jury verdict, of rape in the third degree, forcible touching and endangering the welfare of a child (two counts).

SARA A. GOLDFARB for ARTHUR LEWIS 10 minutes

NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1125.0
KA 15-00021

PEOPLE
V
DERRICK TROTMAN

Appeal from a judgment of the Supreme Court, Onondaga County (John J. Brunetti, A.J.), rendered September 19, 2014. The judgment convicted defendant, upon a jury verdict, of assault in the first degree and criminal possession of a weapon in the second degree.

PIOTR BANASIAK for DERRICK TROTMAN 10 minutes

VICTORIA M. WHITE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1126.0
KA 16-00009

PEOPLE
V
ANDREW JONES

Appeal from a judgment of the Erie County Court (Michael F. Pietruszka, J.), rendered December 10, 2015. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the third degree.

TIMOTHY P. MURPHY for ANDREW JONES 5 minutes

MICHAEL J. HILLERY for THE PEOPLE OF THE STATE OF NEW YORK 5 minutes

1127.0
KA 15-01690

PEOPLE
V
ALFRED ROBINSON

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered February 4, 2013. The judgment dismissed count seven of the indictment against defendant and resentenced defendant upon his conviction for tampering with a witness in the third degree.

LINDA M. CAMPBELL for ALFRED ROBINSON 10 minutes

VICTORIA M. WHITE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1128.0
KA 14-00585

PEOPLE
V
ALEXANDER N. CYGANIK

Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered August 22, 2013. The judgment convicted defendant, upon his plea of guilty, of driving while intoxicated, a class D felony, aggravated unlicensed operation of a motor vehicle in the first degree and driving a vehicle not equipped with an ignition interlock device.

DAVID R. JUERGENS for ALEXANDER N. CYGANIK 10 minutes

LEAH R. MERVINE for THE PEOPLE OF THE STATE OF NEW YORK 10 minutes

1129.0
CAF 16-00395

In the Matter of
JUSTIN T.

Appeal from an order of the Family Court, Onondaga County (Michele Pirro Bailey, J.), entered February 25, 2016 in a proceeding pursuant to Social Services Law section 384-b. The order, among other things, adjudged that respondent had abandoned the subject child.

JOHN A. CIRANDO for JOSEPH M. 10 minutes

CATHERINE Z. GILMORE for ONONDAGA CO. DEPT. OF CHILDREN & FAMILY SERVS. Submitted

JOHN WILLIAM SHARON, ATTORNEY FOR CHILD 10 minutes

1130.0
CAF 15-01651

In the Matter of
IREISHA P.

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered September 3, 2015, in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, revoked the suspended judgment issued on behalf of Shonita Moore and adjudged that the subject children are to continue in the custody and guardianship of the Erie County Department of Social Services.

CHARLES J. GREENBERG for SHONITA M. 5 minutes

ELISABETH M. COLUCCI for ERIE CO. DEPT. OF SOCIAL SERVICES 10 minutes

BERNADETTE HOPPE, ATTORNEY FOR CHILD Submitted

1131.0
CAF 15-01652

**In the Matter of
IREISHA P.**

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered September 10, 2015, in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, revoked the suspended judgment issued on behalf of Shonita Moore and adjudged that the subject children are to continue in the custody and guardianship of the Erie County Department of Social Services.

CHARLES J. GREENBERG for SHONITA MOORE Submitted
ELISABETH M. COLUCCI for ERIE CO. DEPT. OF SOCIAL SERVICES Submitted
BERNADETTE HOPPE, ATTORNEY FOR CHILD Submitted

1132.0
CAF 15-01653

**In the Matter of
IREISHA P.**

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered September 14, 2015, in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, revoked the suspended judgment issued on behalf of Shonita Moore and terminated her parental rights on the grounds of permanent neglect.

CHARLES J. GREENBERG for SHONITA MOORE Submitted
ELISABETH M. COLUCCI for ERIE CO. DEPT. OF SOCIAL SERVICES Submitted
BERNADETTE HOPPE, ATTORNEY FOR CHILD Submitted

1134.0
CAF 16-00224

**In the Matter of
KAYLEE Z.**

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered February 8, 2016, in a proceeding pursuant to Social Services Law section 384-b. The order, among other things, adjudged that respondent had abandoned the subject child.

DAVID J. PAJAK for RHIANNON Z. Submitted
KIMBERLY S. CONIDI for ERIE CO. DEPARTMENT OF SOCIAL SERVICES Submitted
CHARLES D. HALVORSEN, ATTORNEY FOR CHILD Submitted

1135.0
CAF 15-02086

**In the Matter of
KAYLEE D.**

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered November 2, 2015, in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent had neglected the subject child.

KELIANN M. ARGY for KIMBERLY D. Submitted
PAULA A. CAMPBELL for GENESEE CO. DEPT. OF SOCIAL SERVICES Submitted
PAMELA THIBODEAU, ATTORNEY FOR CHILD Submitted

1136.0
CAF 15-02087

**In the Matter of
DAMIEN M.**

Appeal from an order of the Family Court, Genesee County (Eric R. Adams, J.), entered November 2, 2015, in a proceeding pursuant to Family Court Act article 10. The order, inter alia, determined that respondent had neglected the subject child.

KELIANN M. ARGY for KIMBERLY D. Submitted

PAULA A. CAMPBELL for GENESEE COUNTY DEPT OF SOCIAL SERVICES Submitted

PAMELA THIBODEAU, ATTORNEY FOR CHILD Submitted

1137.0
CA 17-00547

JOHN KENNEDY
V
NYS OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

Appeal from an order and judgment (one paper) of the Supreme Court, Onondaga County (James P. Murphy, J.), entered May 27, 2016 in a proceeding pursuant to CPLR article 78. The order and judgment dismissed the petition.

D. JEFFREY GOSCH for JOHN KENNEDY Submitted

KATHLEEN M. TREASURE for NYS OFFICE FOR PEOPLE WITH DEV. DISABILITIES 5 minutes

1138.0
CA 16-02191

PNC BANK, NATIONAL ASSOCIATION
V
MARSEENA HARMONSON

Appeal from a decision and order of the Supreme Court, Steuben County (Peter C. Bradstreet, A.J.), entered February 1, 2016. The decision and order denied the motions of defendant for leave to file and serve a late answer.

EDWARD J. DEGNAN for MARSEENA HARMONSON 15 minutes

CHRISTINA L. SHIFTON for PNC BANK, NATIONAL ASSOCIATION 10 minutes

1139.0
CA 17-00432

LODGE II HOTEL LLC
V
JOSO REALTY LLC

Appeal from an order of the Supreme Court, Monroe County (Matthew A. Rosenbaum, J.), entered December 2, 2016. The order granted the motion of plaintiffs for summary judgment, dismissed defendant's counterclaims and declared that plaintiffs have no liability to defendant for the nonsale of 3148 Silverback Lane, Painted Post.

DAVID A. ROTHENBERG for JOSO REALTY LLC 15 minutes

ROBERT DANIEL HOOKS for LODGE II HOTEL LLC 15 minutes

1140.0
CA 16-01858

JAMIE L. CAMPBELL
V
DENNIS GABRYSZAK

Appeal from an order of the Supreme Court, Erie County (Shirley Troutman, J.), entered December 23, 2015. The order granted the motions of defendants to dismiss the complaint and dismissed the complaint, except for the first and fourth causes of action against defendant Dennis Gabryszak.

JOHN P. BARTOLOMEI for JAMIE L. CAMPBELL Submitted

ROBERT M. GOLDFARB for NEW YORK STATE ASSEMBLY Submitted
KENNETH M. KIRSCHNER for SHELDON SILVER Submitted
NICHOLAS A. ROMANO for DENNIS GABRYSZAK Submitted
ANDREW P. FLEMING for ADAM LOCHER Submitted

1141.0
CA 16-01864

KRISTY L. MAZUREK
V
DENNIS GABRYSZAK

Appeal from a decision and order of the Supreme Court, Erie County (Shirley Troutman, J.), entered December 23, 2015. The decision and order granted the motions of defendants to dismiss the complaint, dismissed the complaint and deemed the motion of plaintiff to amend her complaint.

JOHN P. BARTOLOMEI for JAMIE L. CAMPBELL Submitted
ROBERT M. GOLDFARB for NEW YORK STATE ASSEMBLY Submitted
KENNETH M. KIRSCHNER for SHELDON SILVER Submitted
NICHOLAS A. ROMANO for DENNIS GABRYSZAK Submitted
ANDREW P. FLEMING for ADAM LOCHER Submitted

1142.0
CA 16-01870

KIMBERLY SNICKLES
V
DENNIS GABRYSZAK

Appeal from a decision and order of the Supreme Court, Erie County (Shirley Troutman, J.), entered December 23, 2015. The decision and order granted the motions of defendants to dismiss the complaint and dismissed the complaint, except for the first and fourth causes of action against defendant Dennis Gabryszak.

JOHN P. BARTOLOMEI for JAMIE L. CAMPBELL Submitted
ROBERT M. GOLDFARB for NEW YORK STATE ASSEMBLY Submitted
KENNETH M. KIRSCHNER for SHELDON SILVER Submitted
NICHOLAS A. ROMANO for DENNIS GABRYSZAK Submitted
ANDREW P. FLEMING for ADAM LOCHER Submitted

1143.0
CA 16-01876

EMILY C. TRIMPER
V
DENNIS GABRYSZAK

Appeal from a decision and order of the Supreme Court, Erie County (Shirley Troutman, J.), entered December 23, 2015. The decision and order granted the motions of defendants to dismiss the complaint, dismissed the complaint and denied the motion of plaintiff to amend her complaint.

JOHN P. BARTOLOMEI for JAMIE L. CAMPBELL Submitted
ROBERT M. GOLDFARB for NEW YORK STATE ASSEMBLY Submitted
KENNETH M. KIRSCHNER for SHELDON SILVER Submitted
NICHOLAS A. ROMANO for DENNIS GABRYSZAK Submitted
ANDREW P. FLEMING for ADAM LOCHER Submitted

1144.0
CA 16-01882

ANNALISE C. FRELING
V
DENNIS GABRYSZAK

Appeal from a decision and order of the Supreme Court, Erie County (Shirley Troutman, J.), entered December 23, 2015. The decision and order granted the motions of defendants to dismiss the complaint and dismissed the complaint, except for the first and fourth causes of action against defendant Dennis Gabryszak.

JOHN P. BARTOLOMEI for JAMIE L. CAMPBELL	Submitted
ROBERT M. GOLDFARB for NEW YORK STATE ASSEMBLY	Submitted
KENNETH M. KIRSCHNER for SHELDON SILVER	Submitted
NICHOLAS A. ROMANO for DENNIS GABRYSZAK	Submitted
ANDREW P. FLEMING for ADAM LOCHER	Submitted

1145.0
CA 16-01889

TRINA TARDONE
V
DENNIS GABRYSZAK

Appeal from a decision and order of the Supreme Court, Erie County (Shirley Troutman, J.), entered December 23, 2015. The decision and order granted the motions of defendants to dismiss the complaint, dismissed the complaint and deemed the motion of plaintiff to amend her complaint.

JOHN P. BARTOLOMEI for JAMIE L. CAMPBELL	Submitted
ROBERT M. GOLDFARB for NEW YORK STATE ASSEMBLY	Submitted
KENNETH M. KIRSCHNER for SHELDON SILVER	Submitted
NICHOLAS A. ROMANO for DENNIS GABRYSZAK	Submitted
ANDREW P. FLEMING for ADAM LOCHER	Submitted

1146.0
CA 17-00356

JACQUELINE M. JONES
V
SENECA COUNTY

Appeal from an order of the Supreme Court, Seneca County (Dennis F. Bender, A.J.), entered May 10, 2016. The order denied the motion of plaintiff to add Deputy Frank Eldredge as a necessary party and granted the cross motion of defendant to dismiss all causes of action in the complaint.

MATTHEW ROBERT LEMBKE for JACQUELINE M. JONES	Submitted
CURTIS ALAN JOHNSON for DEPUTY FRANK ELDREDGE	15 minutes
RICHARD T. BELL, JR., for SENECA COUNTY	10 minutes

1147.0
CA 16-01460

DEBORAH SOULE
V
TINA M. STANFORD

Appeal from an order of the Supreme Court, Erie County (John L. Michalski, J.), entered June 9, 2016 in a proceeding pursuant to CPLR article 78. The order denied the petition.

JOSHUA E. DUBS for DEBORAH SOULE	15 minutes
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KATE H. NEPVEU for TINA M. STANFORD

Submitted

1148.0
CA 17-00520

DAVID FLOWERS
V
HARBORCENTER DEVELOPMENT, LLC

Appeal from an order of the Supreme Court, Erie County (Henry J. Nowak, J.), entered January 12, 2017. The order, insofar as appealed from, granted the motion of plaintiff for partial summary judgment on liability pursuant to Labor Law § 240 (1) and denied in part the cross motion of defendants for summary judgment.

JOSH H. KARDISCH for HARBORCENTER DEVELOPMENT, LLC

15 minutes

ETHAN W. COLLINS for DAVID FLOWERS

15 minutes

1149.0
CA 17-00403

U.S. ENERGY DEVELOPMENT CORPORATION
V
SUPERIOR WELL SERVICES, INC.

Appeal from an order of the Supreme Court, Erie County (Timothy J. Walker, J.), entered March 2, 2016. The order, among other things, denied in part defendant's motion for summary judgment and granted in part plaintiff's motion for partial summary judgment.

TIMOTHY R. CAPOWSKI for SUPERIOR WELL SERVICES, INC.

15 minutes

ROBERT JOSEPH LANE, JR., for U.S. ENERGY DEV. CORP.

15 minutes